



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

We Protect Hoosiers and Our Environment.

100 N. Senate Avenue • Indianapolis, IN 46204
(800) 451-6027 • (317) 232-8603 • www.idem.IN.gov

Michael R. Pence
Governor

Thomas W. Easterly
Commissioner

VIA ELECTRONIC MAIL

November 15, 2013

Mr. Richard Montgomery
United Minerals, Inc.
P.O. Box 400
409 Van Buren Street
Huntingburg, Indiana 47542

Dear Mr. Montgomery:

Re: Modification Request for
NPDES General Permit No. ING040244
IDNR Permit No. S-0320
United Minerals, Inc. Elites Mine
3200 feet south of Stanley Road and
Grimmwood Road Intersection
Elberfeld, Indiana
Warrick County

Our office received your Notice of Intent (NOI) submittal on August 22, 2013 requesting modification of the above-referenced general permit coverage. You asked in the submittal that existing Outfall 001 (latitude 38°, 21', 55", longitude -87°, 20', 49", discharging to an unnamed tributary to Hurricane Creek) be removed from coverage. You stated in the letter that it has been mined through, with discharges now being routed through existing Outfall 002.

The request has been processed in accordance with Section 402 and 405 of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251, et seq.), and IDEM's permitting authority under IC 13-15. Representatives of the IDNR in Jasonville have verified that the outfall has in fact been mined through, and they concur that Outfall 001 should be removed from coverage. Therefore your petition to amend your permit coverage as is described above has been approved in accordance with Indiana rules promulgated under 327 IAC15-7. Coverage for the facility will now include all outfalls listed on the first table of Attachment 1 to this correspondence. Since the deletion of outfalls will not result in a lowering of water quality this modification is also in compliance with the antidegradation standards at 327 IAC 2-1-3.

The NPDES general permit identification number assigned to this facility in the previous approval will continue to apply, as will all other testing and reporting that are required under 327 IAC 15-7 using the forms that were sent to you previously. Should you need additional copies of this form it is also available on the internet at the following web site:

<http://www.in.gov/idem/5104.htm>

327 IAC 15-7 is also available on the internet at the following website:

Mr. Richard Montgomery
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<http://www.in.gov/idem/4087.htm>

Additionally, you will continue to receive the computer generated preprinted federal NPDES DMR forms. Both the state and federal forms need to be completed and submitted on a routine basis. If you do not receive the preprinted DMR forms in a timely manner, please call this office at 317-232-8670.

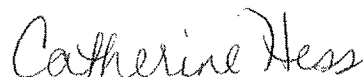
These modifications shall become effective on **October 1, 2013**, unless a person aggrieved or adversely affected by the acceptance appeals this decision. Coverage under 327 IAC 15-7 for all remaining outfalls remains effective, and will expire on **November 30, 2014**. In order to receive authorization to discharge beyond the date of expiration, the permittee shall submit such information and forms as required by the Indiana Department of Environmental Management no later than ninety (90) days prior to the date of expiration.

Please note that any person who is adversely affected or aggrieved by approval under the cited NPDES general permit rule may, within eighteen (18) days from the mailing date of this notification, appeal this acceptance by filing a written petition for administrative review with the Office of Environmental Adjudication, in accordance with IC 4-21.5-3-7. This petition constitutes a request for an adjudicatory hearing. The procedure for appeal is outlined in more detail on the attached page.

The Office of Environmental Adjudication will provide parties who request review of this approval with notice of prehearing conferences, preliminary hearings, hearing, and stays or orders disposing of all proceedings. Nonparties may receive such notices without intervening and formally becoming parties in the proceeding by requesting copies of such notices from the Office of Environmental Adjudication.

If you have any questions regarding this letter, please contact Ms. Sheri L. Jordan of our office at (317) 232-8703.

Sincerely,



Catherine Hess, Chief
Permits Administration Section
Office of Water Quality

Slj/
Attachment
cc: Warrick County Health Department

ATTACHMENT 1

United Minerals Inc. Elites MineNPDES PERMIT NO. **ING040244**IDNR PERMIT NO. **S-0320**EFFECTIVE DATE: **October 1, 2013**

OUTFALLS PERMITTED FOR THIS FACILITY

OUTFALL	DNR BASIN	LATITUDE	LONGITUDE	MINE DRAINAGE STATUS	RECEIVING WATER
002	002	38°, 08', 56"	87°, 24', 22"	New source Undetermined	Pigeon Creek
003	003	38°, 08', 56"	87°, 24', 32"	New source Undetermined	Pigeon Creek
004	004	38°, 08', 47"	87°, 24', 23"	New source Undetermined	Pigeon Creek

The following outfalls have been removed from coverage:

<u>001</u>	<u>001</u>	<u>38°, 09', 07"</u>	<u>87°, 24', 35"</u>	<u>Outfall mined through</u>	<u>Pigeon Creek</u>

**STATE OF INDIANA
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT**

PUBLIC NOTICE NO. 2013 – 11D -GP

DATE OF NOTICE: November 15, 2013

The Office of Water Quality issues the following **NPDES GENERAL PERMIT**.

MODIFICATION

UNITED MINERALS INC. – ELITES MINE, Permit No. ING040244, WARRICK COUNTY, Elberfeld, IN. This modification is being issued because the facility is deleting 1 outfall. The Notice of Intent (NOI) letter submitted complies with the requirements in 327 IAC 15-7, Facilities Engaged in Mining of Coal, Coal Processing and Reclamation Activities. Permit Writer: Sheri Jordan at 317/232-8703.

PROCEDURES TO APPEAL

General Permit documents are available for inspection at IDEM, Office of Water Quality/Permit Section, IGCN, 100 N Senate Ave, Indianapolis, IN, Room 1203, from 9 - 4, Monday-Friday (copies 10¢ per page). The General Permit is also available at the local Health Department. Please tell others you think would be interested in this matter.

Appeal Procedure: Any person affected by the issuance of the Final Permit may appeal by filing a Petition for Administrative Review with the Office of Environmental Adjudication within eighteen (18) days of the date of this Public Notice. Any appeal request must be filed in accordance with IC 4-21.5-3-7 and must include facts demonstrating that the party requesting appeal is the applicant; a person aggrieved or adversely affected or is otherwise entitled to review by law.

Timely filing: The Petition for Administrative Review must be received by the Office of Environmental Adjudication (OEA) within 18 days of the date of this Public Notice; either by U.S. Mail postmark or by private carrier with dated receipt. This Petition for Administrative Review represents a request for an Adjudicatory Hearing, therefore must:

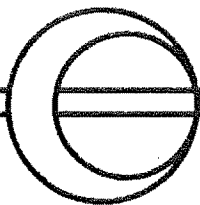
- state the name and address of the person making the request;
- identify the interest of the person making the request;
- identify any persons represented by the person making the request;
- state specifically the reasons for the request;
- state specifically the issues proposed for consideration at the hearing;
- identify the Final Permit Rule terms and conditions which, in the judgment of the person making the request, would be appropriate to satisfy the requirements of the law governing this NPDES Permit rule.

If the person filing the Petition for Administrative Review desires any part of the NPDES Final Permit Rule to be stayed pending the outcome of the appeal, a Petition for Stay must be included in the appeal request, identifying those parts to be stayed. Both Petitions shall be mailed or delivered to the address here:
Phone: 317/232-8591.

Environmental Law Judge
Office of Environmental Adjudication
IGC – North Building- Rm 501
100 N. Senate Avenue
Indianapolis IN 46204

Stay Time frame: If the Petition (s) is filed within eighteen (18) days of the mailing of this Public Notice, the effective date of any part of the permit, within the scope of the Petition for Stay is suspended for fifteen (15) days. The Permit will become effective again upon expiration of the fifteen (15) days, unless or until an Environmental Law Judge stays the permit action in whole or in part.

Hearing Notification: Pursuant to Indiana Code, when a written request is submitted, the OEA will provide the petitioner or any person wanting notification, with the Notice of pre-hearing conferences, preliminary hearings, hearing stays or orders disposing of the Petition for Administrative Review. Petition for Administrative Review must be filed in compliance with the procedures and time frames outlined above. Procedural or scheduling questions should be directed to the OEA at the phone listed above.

*United Minerals Company, LLC*

P.O. Box 400 • 409 Van Buren Street • Huntingburg, IN 47542
Phone 812-683-5024 • Fax 812-683-5049

August 8, 2013

Indiana Dept. of Environmental Management
Office of Water Management
Permits Section
100 North Senate Avenue
P.O. Box 6015
Indianapolis, IN 46206-6015

Re: NPDES Permit #ING040244
Elites Mine
Delete Outfall 001

Dear Sir or Madam:

Please find enclosed a modified permit application for NPDES Permit #ING040244, Elites Mine. This modification deletes outfall 001. This outfall has been mined through and is not being replaced. The drainage that flowed through 001 has been redirected to flow through outfall 002. A \$50.00 permit application fee and Notice of Intent are included.

If you have any questions regarding this matter, feel free to contact me at (812) 683-5024.

Sincerely,

Richard Montgomery
Environmental Affairs Specialist

August 8, 2013

Indiana Dept. of Environmental Management
Office of Water Management, Permit Section
100 North Senate Avenue
P.O. Box 6015
Indianapolis, IN 46206-6015

Re: Notice of Intent of Comply with 327 IAC 15-7
Elites Mine, Permit #ING040244
Delete Outfall 001

Dear Sir or Madam:

United Minerals, Inc. submits this notice of intent to comply with 327 IAC 15-7 regulating facilities engaged in mining coal, coal processing and reclamation activities. This rule applies to our company through our existing point source discharge of wastewater controlled by a valid individual NPDES permit.

United Minerals, Inc., P.O. Box 400, Huntingburg, IN 47542 is a privately-owned partnership which currently holds, or has applied for a valid mining permit for the Elites Mine located in Sections 21, 22, 27 & 28 T4S, R9W, all in Warrick County, Indiana. Our Standard Industrial Code is 1211.

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person, or persons, who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility fine and imprisonment for knowing violations.

Should you have any questions or comments regarding this submittal, please contact Rich Montgomery at our Huntingburg office, (812) 683-5024.

Sincerely,


Responsible Officer - Signature

8/9/13
Date



Indiana Department of Environmental Management

NPDES General Permit Notice of Intent (NOI) Letter Submittal Application

327 IAC 15-7 Facilities Engaging in Mining of Coal, Coal Processing and Reclamation Activities

I. PURPOSE OF SUBMITTAL:

Please check one box. Also provide existing permit number and reason for modification if applicable. You may attach additional sheets if they are needed.

NEW	RENEW	MODIFY	EXISTING PERMIT NO.	IF MODIFICATION WHAT IS CHANGING
		X	ING040244	Delete outfall 001

II. GENERAL INFORMATION

Complete all boxes in sections a and b for name of company and person who is to receive the permit. Complete boxes in sections c, d, e, f, g, h, and i or fill in N/A for non-applicable as they apply for the facility that the permit is to apply to.

a. APPLICANT NAME (TO THE ATTENTION OF)			e. FACILITY SIC CODE		f. FACILITY COUNTY		g. DNR FACILITY NUMBER	
United Minerals, Inc. Atten: Rich Montgomery			1211		Warrick		S-320	
b. APPLICANT'S COMPANY AND COMPLETE MAILING ADDRESS			h. LATITUDE AND LONGITUDE OF APPROXIMATE FACILITY CENTER					
COMPANY NAME United Minerals, Inc.			Latitude			Longitude		
STREET ADDRESS P.O. Box 400 409 Van Buren Street			degree	minute	second	degree	minute	Second
CITY Huntingburg	STATE IN	ZIP 47542	38	09	07	87	24	35
c. FACILITY NAME			i. FACILITY TOWNSHIP, RANGE, SECTION, QUARTER SECTION					
Elites Mine			Township		Range		Section	
			4 South		9 West		21, 22, 27, 28	
d. FACILITY MAILING ADDRESS			j. FACILITY PHYSICAL LOCATION IF DIFFERENT FROM IId					
STREET ADDRESS P.O. Box 400			STREET ADDRESS 3200 feet south of the intersection of Stanley Road and Grimmwood Road.					
CITY Huntingburg	STATE IN	ZIP CODE 47542	CITY Elberfeld			STATE IN		ZIP CODE 47613

III. CONTACT INFORMATION AUTHORIZED SIGNATORY

This section applies to the responsible corporate officer and/or alternate person who is Authorized to be responsible for all signatory responsibilities for the facility under 327 IAC 15-4-3 (g). Please complete all boxes or mark N/A for non-applicable.

a. APPLICANT SIGNATORY CONTACT PERSON AND TITLE		d. ALTERNATE PERSON TO ANSWER QUESTIONS	
Gregory Olinger President		Rich Montgomery	
b. APPLICANT SIGNATORY CONTACT PERSON TELEPHONE		e. ALTERNATE PERSON'S TELEPHONE	
812.683.5024		812.683.5024	
c. APPLICANT EMAIL ADDRESS		f. ALTERNATE PERSON'S EMAIL ADDRESS	
jmontgomery@umillc.com		jmontgomery@umillc.com	

IV. CONTACT INFORMATION OTHER:			
DISCHARGE MONITORING REPORTS CONTACT AND MAILING INFORMATION		c. CONTACT AND COMPANY NAME Rich Montgomery United Minerals Company, LLC	
a. CONTACT TELEPHONE NUMBER 812.683.5024		d. STREET ADDRESS P.O. Box 400	
b. CONTACT EMAIL ADDRESS jmontgomery@umillc.com		e. CITY Huntingburg	f. STATE IN
ANNUAL FEE AND FINANCIAL CONTACT AND BILLING ADDRESS		g. ZIP CODE 47542	
		j. COMPANY AND CONTACT PERSON NAME	
h. CONTACT TELEPHONE NUMBER 812.683.5024		k. STREET ADDRESS P.O. Box 400	
i. CONTACT EMAIL ADDRESS jmontgomery@umillc.com		l. CITY Huntingburg	m. STATE IN
OTHER CONTACT AND MAILING INFORMATION (SPECIFY BELOW)		n. ZIP CODE 47542	
		q. COMPANY AND CONTACT PERSON NAME	
o. CONTACT TELEPHONE NUMBER		r. STREET ADDRESS	
p. CONTACT EMAIL ADDRESS		s. CITY	t. STATE
		u. ZIP CODE	

V. RULE QUALIFICATION:
The purpose of this rule is to regulate wastewater discharges from surface mining, underground mining, and reclamation projects which utilize sedimentation basin treatment for pit dewatering and surface run-off and to require best management practices for storm water run-off.
Does this facility meet these requirements? (please check one) YES <input checked="" type="checkbox"/> X NO <input type="checkbox"/>
Please provide a brief description of the facility operation that results in the discharge. You may attach additional sheets.
The outfalls are from surface coal mine sediment basin with either open channel spillways or spillpipes. These basins are designed to collect affected area drainage from the mining operation and provide the necessary retention for the purpose of insuring compliance with applicable effluent limits.

VI. OUTFALL INFORMATION: Please fill out the following information FOR ALL OUTFALLS											
a. IDEM OUTFALL NO.	b. DNR BASIN NO.	c. LATITUDE			d. LONGITUDE			e. DRY WEATHER BASE FLOW	f. MINE DRAINAGE STATUS	g. Is this discharge to a STORM SEWER	h. Name of RECEIVING WATER OR if g is YES name of OPERATOR OF MUNICIPAL STORM SEWER, AND WATER IT DISCHARGES TO
		deg	min	sec.	deg	min	sec.				
001	001 S-320	38	09	07	87	24	35	0	Delete	N	Pigeon Creek
002	001 S-320	38	08	56	87	24	22	0	Alkaline	N	Pigeon Creek
003	003 S-320	38	08	56	87	24	32	0	Alkaline	N	Pigeon Creek
004	004 S-320	38	08	47	87	24	23	0	Alkaline	N	Pigeon Creek

VII. OUTFALL INFORMATION FOR MODIFICATIONS: Please provide the following if this is a request to ADD, DELETE, or CHANGE MINE DRAINAGE STATUS of one or more outfalls:

a. IDEM OUTFALL NO.	b. DNR BASIN NO.	c. DEL, ADD, or CHANGE	d. DATE OF CHANGE	e. REASON FOR THE CHANGE: EXPLAIN IN DETAIL AND ATTACH CONFIRMING DOCUMENTATION IN THE FORM OF INSPECTORS REPORTS, LAB DATA, ETC.
001	001	Delete	9/1/13	This outfall has been mined through and is not being replaced. The affected area drainage that flowed through this outfall has now been directed through outfall outfall 002.

VIII. TOPOGRAPHICAL MAP

A topographical map must be submitted with this application. The map must include the following items:

- (A) the location of the coal mining operation, including contiguous facility property lines, shown clearly and identified by name and by mark;
- (B) the location of each numbered outfall shown clearly and identified by number and by mark;
- (C) the receiving streams and tributaries to them that each outfall discharges to shown clearly and identified by name;
- (D) any existing permanent structures or roads in the area shown clearly and identified by name.

Please attach this completed map to the application and submit both together.

IX. PROOF OF PUBLICATION

It is required that a public notice statement be published in a newspaper of largest circulation in the area where the discharge(s) will be occurring. This publication must be in the newspaper for a minimum of one day and must include the following language: (your facility name, address, address of the location of the discharging facility, and the streams receiving the discharge(s)) "is submitting a Notice of Intent letter to notify the Indiana Department of Environmental Management of our intent to comply with the requirement under 327 IAC 15-7 to discharge wastewater associated with the mining of coal, coal processing and /or reclamation activities. Any person aggrieved by this action may appeal in writing to the Environmental Law Judge of the Office of Environmental Adjudication for an adjudicatory hearing on the question of whether this facility should operate under this NPDES general permit rule. An appeal must be postmarked no later than fifteen (15) days from the date of this public notice. Such a written request for an adjudicatory hearing must:

- (A) state the name and address of the person making the request;
- (B) identify the interest of the person making the request;
- (C) identify any persons represented by the person making the request;
- (D) state with particularity the reasons for the request;
- (E) state with particularity the issues proposed for consideration at the hearing; and
- (F) state with particularity the reasons why the NPDES general permit rule should not be available to the discharger identified in this notice.

Any such request shall be mailed or delivered to:
 Office of Environmental Adjudication
 Indiana Government Center – North
 100 North Senate Avenue, Room NS01
 Indianapolis, Indiana 46204"

Please attach proof of publication of this statement from the newspaper to the application and submit both together.

X. POTENTIALLY AFFECTED PERSONS FORM

Pursuant to IC 4-21.5 it is required that a Potentially Affected Person form be completed and submitted with this application. The form and instructions are attached.

Please fill out this form in its entirety and submit it with the application.

XI. REQUIRED FEES:

A \$50 application fee is required to be submitted with applications for new permits, permit modifications, and permit renewals in accordance with IC 13-18-20-12. In addition the \$500 annual fee is required to be submitted for NEW APPLICATIONS at the time of submitting the application.

Please list amount submitted \$ 50.00, attach to and submit with application.
Checks or money orders shall be made payable to IDEM.

XII. NOTIFICATION OF INDIANA DEPARTMENT OF NATURAL RESOURCES

It is required in all circumstances that a copy of this application is sent to the Indiana Department of Natural Resources (IDNR) Division of Reclamation in Jasonville, Indiana.

Please forward a copy of this application as is required and identify the party to whom it was addressed and the date that it was mailed: Clay Dayson, IDNR Inspector

XIII. CERTIFICATION STATEMENT

It is required by 327 IAC 15-4-3(g)(3) that the following statement shall be included in the application. The authorized signatory representative (as defined by 327 IAC 15-5-3(g)(2) and identified in item IIIa above) makes the following certification by signing and dating this section of the application below:

"I certify under penalty of law that this document and all its attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

Gregory Olinger, Permit Specialist

812.683.5024

Name and official title (type or print)

Area Code and phone No.

Signature

Date signed

Submit completed form and attachments to the following address:

**Indiana Department of Environmental Management
Office of Water Quality – Mail Code 65-42
NPDES Permits Section
100 North Senate Avenue
Indianapolis, Indiana 46204-2251**